

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL MYUNG-SUP SHIN,

Plaintiff,

v.

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS, et al.,

Defendants.

No. C-06-7765 MMC

**ORDER DENYING AS MOOT JAMES E.
COOKE'S MOTION FOR RELIEF FROM
ENTRY OF DEFAULT; SETTING
BRIEFING SCHEDULE ON COOKE'S
REQUEST FOR SUA SPONTE
DISMISSAL RE: QUASI-JUDICIAL
IMMUNITY**

Before the Court is defendant James E. Cooke's ("Cooke") Motion for Relief from Entry of Default Based on Excusable Neglect, filed June 28, 2007. On June 27, 2007, however, the Clerk denied plaintiff's request for entry of default against Cooke.

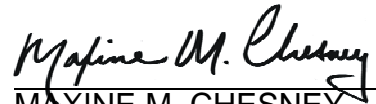
Accordingly, Cooke's motion is hereby DENIED as moot.

Also before the Court is a document titled "Memorandum of Points and Authorities of James E. Cooke in Support of Qualified Immunity of James E. Cooke," filed June 28, 2007. Cooke argues therein that the Court should dismiss sua sponte all claims against him, on the ground that he is entitled to absolute quasi-judicial immunity as a guardian ad litem appointed by the Court. The Court construes the above-referenced document as a motion to dismiss, and hereby sets the following briefing schedule: (1) plaintiff shall file any opposition no later than July 13, 2007; (2) Cooke shall file any reply no later than July 20,

1 2007. The matter will be deemed under submission as of July 20, 2007 and determined
2 without a hearing, unless the Court, after reviewing the submissions of the parties,
3 determines oral argument would be of assistance.

4 **IT IS SO ORDERED.**

5 Dated: June 29, 2007



MAXINE M. CHESNEY
United States District Judge